



DOCKET NO: 215891US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YOSHINORI TERUI ET AL. : EXAMINER: KEANEY, E. M.  
SERIAL NO: 09/985,737 :  
FILED: NOVEMBER 6, 2001 : GROUP ART UNIT: 2882  
FOR: ELECTRON GUN AND A METHOD :  
FOR USING THE SAME :

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

RECEIVED  
SEP 12 2003  
TECHNOLOGY CENTER 2800

In response to the Office Action dated August 6, 2003, Applicants provisionally elect, with traverse, Group I, Claims 1-11 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

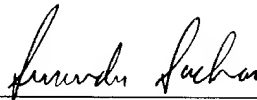
The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

<sup>1</sup> To do justice to either identified groups of claims, it is respectfully submitted that it would be necessary to search in all classes and subclasses identified at page 2 of the outstanding Official Action.

Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220

GJM/SS/RFF/ys

\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423  
Attorneys of Record

I:\ATTY\RFF\21S\215891\215891-REST.DOC